

REMARKS

Claims 1-9, 11-13, 16, 19, and 21-25 were presented for examination. The Office Action dated November 26, 2007 rejects claims 1-9 and 25 and allows claims 11-13, 16, 19, and 22-24. Applicant thanks the Examiner for the allowance of these claims. The Office Action does not provide any status for claim 21. Notwithstanding, applicant presumes claim 21 is also allowed because it depends from allowed claim 11. This paper amends claims 4 and 5. Claims 1-9, 11-13, 16, 19, and 21-25 remain pending in the application.

Claim Objections

The Office Action objects to claims 4 and 5 because of the following informalities: the term “PRM” of claim 4 and “PRMs” of claim 5 are not defined. Claims 4 and 5 are amended to recite “performance report message(s)” rather than the PRM acronym. Applicant submits the amendment overcomes the objection.

Double Patenting

The Office Action provisionally rejects claims 1, 3-9, and 25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of co-pending Application No. 10/741, 909. In addition, the Office Action provisionally rejects claim 2 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of co-pending Application No. 10/741,909 in view of 10/741,909 claim 3. Accompanying this paper is a terminal disclaimer to overcome the provisional double patenting rejections.

CONCLUSION

In view of the amendments and remarks made herein, applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

Date: February 26, 2008
Reg. No. 41,274

Tel. No.: (508) 303-0932
Fax No.: (508) 303-0005

/Michael A. Rodriguez/
Michael A. Rodriguez
Attorney for Applicant
Guerin & Rodriguez, LLP
5 Mount Royal Avenue
Marlborough, MA 01752